

HOUSE BILL 3762

By Bass

AN ACT to amend Tennessee Code Annotated, Title 8;
Title 16 and Title 40, relative to ineffective
assistance of counsel.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-14-207, is amended by adding the following as a new subsection:

() Notwithstanding any law or rule 13 of the rules of the supreme court to the contrary any attorney who has admitted, claimed by affidavit of under oath, or has been found by a court of competent jurisdiction to have rendered ineffective assistance of counsel in a criminal case shall repay to the state any funds received from the state treasury for compensation relating to that case in which the ineffective assistance of counsel was rendered.

SECTION 2. Tennessee Code Annotated, Section 40-14-207, is amended by adding the following as a new subsection:

() Notwithstanding any law or rule 13 of the rules of the supreme court to the contrary any attorney who has admitted, claimed by affidavit of under oath, or has been found by a court of competent jurisdiction to have rendered ineffective assistance of counsel in a criminal case shall repay to the state any funds received from the state treasury for compensation relating to that case in which the ineffective assistance of counsel was rendered.

SECTION 3. Tennessee Code Annotated, Title 40, Chapter 30, Part 1, is amended by adding the following as a new section:

40-30-123.

Notwithstanding any law or rule 13 of the rules of the supreme court to the contrary any attorney who has admitted, claimed by affidavit of under oath, or has been found by a court of competent jurisdiction to have rendered ineffective assistance of counsel in a criminal case shall repay to the state any funds received from the state treasury for compensation relating to that case in which the ineffective assistance of counsel was rendered.

SECTION 4. This act shall take effect July 1, 2012, the public welfare requiring it.